

From: Pablo Oliva
To: Microsoft ATR
Date: 12/10/01 5:20am
Subject: Microsoft Settlement

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Renata B. Hesse
Antitrust Division, U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001
Dear Mrs. Hesse:

I am a web developer in the Los Angeles area in California. I recently ran across this article online at <http://www.pbs.org/cringely/pulpit/pulpit20011206.html> which stated the following:

"The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology -- even the Department of Justice itself -- have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows."

I hope that you understand the severity of this matter. The Open Source Software movement is truly a remarkable thing. Many great products have resulted from this movement. The Open Source community

has spawned innovation and quality in software that is unsurpassed by Microsoft or any other commercial outfit. This movement and community is a great and weighty threat to Microsoft's business model. I encourage you to come to a complete understanding of the impact that the language of the settlement, which the above article sites, will have on the Open Source Software community. There is a big chance that Microsoft will have the ability to use this language to place pressure on and ultimately strangle the life out of the Open Source community? and this is an anti-trust case isn't it?

Regards,

Pablo Oliva

P.S. I am sending a hard copy of this letter via regular mail. I eagerly await your response. Thank you for your time.